

United States District Court

SOUTHERN

DISTRICT OF

TEXAS

United States District Court
Southern District of Texas

NOV 18 2008

Michael N. Milby Clerk

UNITED STATES OF AMERICA
v.

1. Joseias FLORES
Rio Grande City, TX
YOB: 1978 30 YOA
U.S. Citizen

CRIMINAL COMPLAINT

CASE NUMBER: M-08-7062-M

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about November 17, 2008 in Starr county, in the Southern District of Texas defendant(s) did, knowingly and

intentionally possess with the intent to distribute approximately 1,578.4 Kilograms/3,479.5 pounds of marijuana, a controlled substance listed under Schedule I, of the Controlled Substance Act.

in violation of Title 21 United States code, Section(s) 841.

I further state that I am a(n) U.S. Immigration and Customs Enforcement Senior Special Agent and that this complaint is based on the following facts:

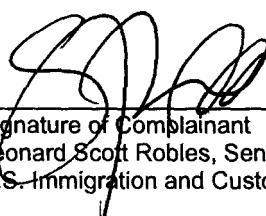
SEE ATTACHMENT A

Continued on the attached sheet and made a part hereof:

Yes

No

Approved by: Linda K. Roborough, AUSA
11/18/08



Signature of Complainant
Leonard Scott Robles, Senior Special Agent
U.S. Immigration and Customs Enforcement

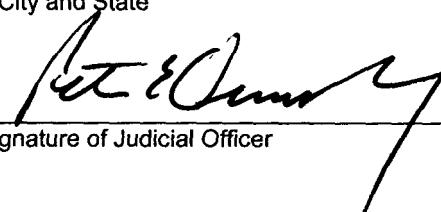
Sworn to before me and subscribed in my presence,

November 18, 2008
Date

at

McAllen, Texas
City and State

Peter E. Ormsby, U.S. Magistrate Judge
Name & Title of Judicial Officer


Signature of Judicial Officer

ATTACHMENT A

Before the United States Magistrate Judge, Southern District of Texas, I, Leonard S. Robles, Senior Special Agent, U.S. Immigration and Customs Enforcement, being duly sworn, depose and say the following:

On November 17, 2008, members of the Starr County HIDTA Task Force received information of narcotics being stored at a residence in Rio Grande City, Texas. At approximately 11:00 AM, Agents responded and arrived at the residence, which was located at 97 Mascorro Street in Rio Grande City. Agents knocked on the front door and attempted to make contact with the residents but no one answered the door. As the Agents were at the residence, they could smell a strong odor of marijuana emitting from inside the residence.

Agents then requested the assistance of Customs and Border Protection Canine Enforcement Officer (CEO) H. Rios and canine "Dusty" from the Rio Grande City, Texas Port of Entry. CEO Rios advised that his canine gave a positive alert to the presence of a narcotic odor around the front door of the residence. Based on the aforementioned information, Agents applied for a state search warrant to search the residence. Starr County District Court Judge Jose Luis Garza approved the search warrant affidavit and signed an order to search the residence.

Upon entering a door at the rear of residence, Agents observed several bundles of suspected narcotics stacked on the floor by the door. Agents further searched two bedrooms in the residence and located several more bundles of suspected narcotics stacked on the floor. Upon searching a closet in a bedroom located on the southeast side of the residence, Agents located a false wall leading to a hidden room concealing several more bundles of suspected narcotics that were tied together with rope. Agents also located several items in the residence to suggest the residence was being used solely for the purpose of repackaging narcotics. Agents probed one of the bundles revealing a green leafy substance believed to be marijuana. A total of 134 bricks of marijuana, which were wrapped in brown packaging tape and cellophane wrap, were removed from the residence. The marijuana weighed a total of 1,578.4 kilograms/3,479.5 pounds.

While Agents were conducting a search of the residence, a subject, identified as Joseias FLORES, arrived at the residence. FLORES walked to the side of the residence to speak to the Agents who were securing the outside perimeter of the residence. FLORES voluntarily placed his hands behind his back as if to be handcuffed and voluntarily stated that he was the one renting the house and he was ready to go to jail. FLORES refused to make any additional statements to Agents and was detained. Shortly thereafter, U.S. Immigration and Customs Enforcement Senior Special Agent Leonard S. Robles responded to the residence. Agent Robles took custody of FLORES and transported him to the Rio Grande City, Texas Port of Entry for questioning.

Senior Special Agent Robles read Joseias FLORES his rights per Miranda in the English language and was witnessed Rio Grande City Police Department Investigator T. Lopez. FLORES acknowledged his rights but refused to make any statements without the presence of an attorney.

-While Agent Robles was reading FLORES his rights per Miranda, FLORES voluntarily stated that the "jale", meaning drugs, were his and he was ready to plea guilty. FLORES also stated that he was renting the residence and that he was the one responsible for anything that Agents found inside the residence but that he did not want to make any statements to Agent Robles without speaking to his attorney.